

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

DARRION O. FOOTE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
SWEDISH AMERICAN HOSPITAL,	)	
DENNY ECCLES, MICHAEL J. CASNER,	)	
M.D., HEATHER R. FREY, N.P., SCOTT G.	)	
FRENCH, M.D., CRUSADER COMMUNITY	)	
HEALTH CLINIC, LYNN YONTZ, N.P.,	)	Formerly case No. 11 L 114,
AND ARVIN SILVA, M.D.	)	Circuit Court of 17th Judicial Circuit,
	)	Winnebago, Illinois
Defendants.	)	
	)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND  
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To:	Clerk of the Court	Darrion O. Foote
	Circuit Court of Winnebago County	511 N. Church Street #809
	400 West State Street #109	Rockford, Illinois 61103
	Rockford, Illinois 61101	

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The United States, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Winnebago County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679, and 42 U.S.C. § 233, and in support thereof states the following:

1. On March 31, 2011, plaintiff Darrion O. Foote commenced the above civil action against Swedish American Hospital, Denny Eccles, Michael J. Casner, M.D., Heather R. Frey, N.P., Scott G. French, M.D., Crusader Community Health Clinic, Lynn Yontz, N.P., and Arvin Silva, M.D. alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, Lynn Yontz was a nurse practitioner and Arvin Silva was a physician for Crusader Central Clinic Association, also known as Crusader Community Health Center, a private entity that receives grant money from the Public Health Service pursuant to 42 U.S.C. § 233.

2. This notice of removal is filed in accordance with 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendants Lynn Yontz, Arvin Silva, and Crusader Community Health Center were acting within the scope of their employment as federal government employees at the time of the incidents out of which the claim arose. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 2679, this civil action is deemed an action against the United States and the United States is substituted as the sole federal party defendant in place of defendants Lynn Yontz, Arvin Silva, and Crusader Community Health Center.

WHEREFORE, this action now pending in the Circuit Court of Winnebago County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 2679(d) and 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Lynn Yontz, Arvin Silva, and Crusader Community Health Center.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

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